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Air Pollution Regulations in State Implementation Plans: Rhode Island

Abcor Inc, Wilmington, MA Walden Div

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Environmental Protection Agency, Research Triangle Park, NC

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Office of Air Quality
Planning and Standards
Research Triangle Park NC 27711

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Air

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Air Pollution Regulations in State Implementation Plans:
Rhode Island

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This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

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Air Pollution Regulations in State Implementation Plans:

Rhode Island

by

Walden Division of Abcor, Inc.
Wilmington, Massachusetts

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EPA Project Officer: Bob Schell

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U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Air, Noise, and Radiation
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

August 1978

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INTRODUCTION

This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act Amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

There have been recent changes in the Federal enforceability of parking management regulations and indirect source regulations. The October, 1977, appropriation bill for EPA prohibited Federal enforcement of parking management regulations in the absence of specific Federal authorizing legislation. Federally promulgated parking management regulations have, therefore, been suspended indefinitely. Pursuant to the 1977 Clean Air Act Amendments, indirect source regulations may not be required for the approval of a given SIP. Consequently, any State adopted indirect source regulations may be suspended or revoked; State adopted indirect source regulations contained in an applicable SIP are Federally enforceable. More importantly, EPA may only promulgate indirect source review regulations which are specific to Federally funded, operated, or owned facilities or projects. Therefore, the Federally promulgated indirect source regulations appearing in this document are not enforceable by EPA except as they relate to Federal facilities.

Since State air quality regulations vary widely in their organization, content, and language, a standardized subject index is utilized in this document. Index listings consist of both contaminant and activity oriented categories to facilitate usage. For example, for regulations which apply to copper smelters, one might look under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State immediately follow the approved State and local regulations.

Additionally, a summary sheet of the information included in each comprehensive document is presented prior to the regulatory text to allow one to quickly assess the contents of the document. Specifically, the summary sheets contain the date of submittal to EPA of each revision

to the SIP and the date of the Federal Register in which the revision was either approved or disapproved by EPA. Finally, a brief description or reference of the regulation which was submitted is also included.

This document is not intended to provide a tool for determining the enforceability of any given regulation. As stated above, it is intended to provide a comprehensive compilation of those regulations which are incorporated directly or by reference into Title 40, Part 52, of the Code of Federal Regulations. Consequently, the exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation (for example, regulations governing pollutants, such as odors, for which there is no national ambient air quality standards) in this document does not, in itself, render the regulation enforceable.

SUMMARY SHEET

OF

EPA-APPROVED REGULATION CHANGES

RHODE ISLAND

Submittal Date	Approval Date	Description
10/3/72	5/14/73	All Regulations
3/7/73	10/23/73	Regulation 12
3/19/73	10/23/73	Regulation 13
9/5/73	1/15/76	Regulation 14
1/25/74	11/3/75	Regulation 10
5/22/74	11/3/75	Regulation 8

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Section Number	Description
52.2073	Public availability of emission data
52.2075	Source recordkeeping and reporting
52.2078	Limiting of administrative abatement orders
52.2080	Plan revisions
52.2081	Review of New or Modified Indirect Sources
52.2083	Prevention of Significant Deterioration

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STATE AIR POLLUTION REGULATIONS

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REGULATIONS ON VISIBLE EMISSIONS, HANDFIRING OF SOFT COAL, PARTICULATE EMISSIONS, OPEN FIRES, PREVENTING PARTICULATE MATTER FROM BECOMING AIR-BORNE, AIR CONTAMINANT DETECTORS AND EMISSION OF AIR CONTAMINANTS DETRIMENTAL TO PERSON OR PROPERTY

(50.1.2) 1. Visible Emissions

No person shall discharge into the atmosphere from any single source any air contaminant for a period or periods aggregating more than three minutes in any one hour which is:

(a) As dark as or darker than that shade designated No. 1 on the Ringelmann Chart, published by the United States Bureau of Mines, or the same shade designation on a photographic copy of the Ringelmann Chart reduced to one-eighteenth of the size of the original, for convenient use in the field.

(b) Of such opacity as to obscure an observer's view to a degree equal to or greater than does an air contaminant described in Subsection (a) of this rule.

2. Handfiring of Soft Coal

It shall be unlawful to use, to import, sell, offer for sale, expose for sale, exchange, deliver or transport for use or consumption in a hand fired installation in the State of Rhode Island any solid fuel other than coke or anthracite coal. Anthracite coal shall be defined by the ASTM Standards of 1938. This ruling does not apply to indoor fireplaces. Any coal having a dry basis volatile content greater than that of anthracite coal may be imported, sold, offered for sale, exposed for sale, exchanged, delivered or transported, used or consumed in the State of Rhode Island only in approved mechanical fuel burning equipment. Any solid fuel containing volatile matter greater than that of anthracited coal on a dry basis shall, within the discretion of the Director, be acceptable under the terms of these rules and regulations provided that it meets the same standard in regard to smoke production as does anthracite coal. In order to ascertain whether or not such standards are met, anyone applying for the use of such solid fuel shall submit (1) Complete plans and specifications of such process to the Director, and from time to time any additional information he may reasonably require regarding the product. (2) An adequate supply of the finished product must be made available to the Director to conduct whatever tests he deems necessary to establish its value as a smokeless solid fuel. Any person, firm or corporation whose product is submitted to such tests must pay in advance all expenses necessary thereto.

(50.1) 3. Particulate Emissions

No person shall discharge in any one hour, from any source, particualte emissions in a total amount in excess of that shown in the following table (see next page) opposite the applicable process weight. In entering the table, the process weight per hour used is the total weight of all materials introduced into any specific process which may cause any emissions into the atmosphere except liquid and gaseous fuels and combustion air. "The Process Weight Per Hour" will be determined by

TABLE

Process Weight Rate Lb/Hr	Process Weight Rate Tons/Hr	Rate of Emission Lb/Hr	Process Weight Rate Lb/Hr	Process Weight Rate Tons/Hr	Rate of Emission Lb/Hr
100	0.05	0.551	16,000	8.00	16.5
200	0.10	0.877	18,000	9.00	17.9
400	0.20	1.40	20,000	10.	19.2
600	0.30	1.83	30,000	15.	25.2
800	0.40	2.22	40,000	20.	30.5
1,000	0.50	2.58	50,000	25.	35.4
1,500	0.75	3.38	60,000	30.	40.0
2,000	1.00	4.10	70,000	35.	41.3
2,500	1.25	4.76	80,000	40.	42.5
3,000	1.50	5.38	90,000	45.	43.6
3,500	1.75	5.96	100,000	50.	44.6
4,000	2.00	6.52	120,000	60.	46.3
5,000	2.50	7.58	140,000	70.	47.8
6,000	3.00	8.56	160,000	80.	49.0
7,000	3.50	9.49	200,000	100.	51.2
8,000	4.00	10.4	1,000,000	500.	69.0
9,000	4.50	11.2	2,000,000	1,000.	77.6
10,000	5.00	12.0	6,000,000	3,000.	92.7
12,000	6.00	13.6			

Interpolation of the data in this table for process weight rates up to 60,000 lb/hr shall be accomplished by use of the equation: $E=4.10\ P^{0.67}$, and interpolation and extrapolation of the data for process weight rates in excess of 60,000 lb/hr shall be accomplished by use of the equation: $E=55.0\ P^{0.11} - 40$, where E = rate of emission in lb/hr and P= process weight rate in tons/hr

dividing the total process weight by the number of hours in one complete operation, excluding any time during which the equipment is idle.

(51.13) 4. Open Fires

It shall be unlawful for any person to burn any material in an open fire on premises operated as a public or semi-public refuse disposal facility, at other central refuse disposal sites, or in connection with any salvage, industrial, commercial, or institutional operation.

(50.1) 5. Preventing Particulate Matter From Becoming Air-Borne

(a) No person shall cause or permit particulate matter to be handled, transported or stored in a manner which allows or may allow the particulate matter to become air-borne.
(b) No person shall cause or permit a building or its appurtenances or a road to be constructed, altered, repaired, or demolished without taking such precautions as may be required by the Director to prevent particulate matter from becoming air-borne.
(c) No person shall cause or permit untreated open areas to be maintained without taking reasonable precaution to prevent particulate matter from becoming air-borne.

(9.0) 6. Air Contaminant Detectors

All power plants burning residual oil and all plants of one million Btu/hr capacity or over, burning solid fuel shall be equipped with photo-electric audio contaminant detector devices, which shall be maintained in good working order and operated continuously during all burning.

7. Emission of Air Contaminants Detrimental to Person or Property

No person shall emit any contaminant which either alone or in connection with other emissions, by reason of their concentration and duration may be injurious to human, plant or animal life, or cause damage to property or inconvenience to property owners, or create a disagreeable or unnatural odor or obscure visibility or which in any way interferes with the enjoyment of life and property.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF HEALTH
REGULATIONS ON LIMITING SULFUR CONTENT OF FUELS

(50.2) 8. Limiting Sulfur Content of Fuels

8.1 Definitions: As used in these regulations, the following terms shall, where the context permits, be construed as follows:

8.1.1 "Fuel" means a material used for the purpose of producing heat, steam or power.

8.1.2 "Low Sulfur Fuel" means a fuel containing 0.55 pounds or less of sulfur per million BTU heat release potential.

8.1.3 "High Sulfur Fuel" means a fuel containing more than 0.55 pounds of sulfur per million BTU heat release potential.

8.1.4 "Stack" or "chimney" means a flue, conduit or opening to provide for the emission of particulates or gases into the open air.

8.1.5 "Approved stack-gas cleaning process" means a process, approved by the director, which removes sulfur dioxide from the products of combustion of fuel.

8.1.6 "BTU" means British thermal unit; it is the amount of heat required to raise the temperature of one pound of water one degree Fahrenheit.

8.2 On and after October 1, 1971 unless the director declares in writing that a shortage of low sulfur fuel exists, no person, except as provided in Sections 8.3 and 8.4, shall store for sale, offer for sale, sell or deliver for use in Rhode Island, and no person shall use or store high sulfur fuel provided, however, that any person who on the date of promulgation of these regulations has in his possession within this state a supply of high sulfur fuel may sell or deliver for use or use the same within this state at any time prior to March 1, 1972.

8.3 The director may approve the use of high sulfur fuel when combined with an approved stack-gas cleaning process, provided the sulfur compound emissions (expressed as sulfur dioxide) from the stack or chimney do not exceed 1.1 pounds per million BTU gross heat input, and the person using such process gives evidence satisfactory to the director that the emissions do not exceed the requirements of this Section.

8.4 Any person seeking to store for sale, sell or deliver for use in Rhode Island high sulfur fuels under the conditions described in Section 8.3 shall obtain the prior approval of the director in writing.

8.5 The provisions of Sections 8.1 through 8.4, both inclusive, shall not apply to the use of fuels by vessels.

8.6 The director may require the collection under his supervision of fuel samples for his analyses or may require the submission of fuel samples and/or fuel analyses to ensure compliance with the provisions of Section 8.2 through 8.4, both inclusive.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF HEALTH

REGULATIONS ON PRIOR APPROVAL BY THE DIRECTOR OF HEALTH OF PLANS RELATIVE TO THE CONSTRUCTION, INSTALLATION OR MODIFICATION OF ANY MACHINE, EQUIPMENT, DEVICE, ARTICLE OR FACILITY CAPABLE OF BECOMING A SOURCE OF AIR POLLUTION, OR ANY AIR POLLUTION CONTROL SYSTEM

(10.0) 9. Approvals

9.1 General Requirements

9.1.1 No person shall construct, install or modify or cause the construction, installation or modification of any machine, equipment, device, article or facility capable of becoming a source of air pollution without first obtaining an approval to construct, install or modify from the director. This approval shall apply to such machine, equipment, device, article or facility as defined in Section 9.2.

9.1.2 No person shall construct, install or modify or cause the construction, installation or modification of any air pollution control system, devices, or any parts thereof without first obtaining the approval of the director to construct, install or modify the same.

9.2 Machine, Equipment, Device, Article or Facility for Which an Approval to Construct, Install or Modify is Required

9.2.1 Equipment used in a manufacturing process involving surface coating, including but not limited to spray and dip painting, roller coating, electrostatic depositing or spray cleaning which emits air contaminants into the open air and in which the quantity of material used in any such operation is in excess of ten (10) pounds in any one hour.

9.2.2 Equipment used in a manufacturing process involving metal cleaning or surface preparation, including but not limited to degreasing, etching, pickling or plating which emits air contaminants into the open air from a tank or vessel, the capacity of which is in excess of one hundred (100) gallons.

9.2.3 Equipment, used in a manufacturing process, other than as set forth in 9.2.1 and 9.2.2, which emits air contaminants into the open air either directly or indirectly and in which the combined weight of all materials, excluding air and water, introduced into any one such operation is in excess of fifty (50) pounds in any one hour.

9.2.4 Liquid storage tanks, reservoirs and containers, having a capacity in excess of ten thousand (10,000) gallons, used for the storage of volatile petroleum products, acids, solvents, diluents or thinners, inks, colorants, lacquers, enamels, varnishes and liquid resins.

9.2.5 Pneumatic material handling or conveying systems.

9.2.6 Fuel burning equipment in which the rate of fuel burned is in excess of one million Btu's in any one hour.

9.2.7 Any equipment used for the burning or incineration of process by-products or wastes.

9.2.8 Any incinerator, except one which is constructed, installed or modified in one or two-family dwellings.

9.3 Applications

9.3.1 Application for approval to construct, install or modify shall be made by the owner or operator of such machine, equipment, device, article or facility, or air pollution control system, devices or any parts thereof on forms furnished by the director. If the applicant is a partnership or group other than a corporation, the application shall be made by one individual who is a member of the group. If the applicant is a corporation, the application shall be made by an officer of the corporation.

9.3.2 A separate application is required for each machine, piece of equipment, device, article or facility capable of becoming a source of air pollution as defined in Section 9.2.

9.3.3 A separate application is required for each air pollution control system, device or any part thereof.

9.4 Information Required

9.4.1 Each application for approval to construct, install or modify shall be accompanied by two copies of plans, specifications and other relative data that may be required by the director to show how such machine, equipment, device, article, facility or air pollution control system is designed and in what manner it will be operated and controlled. Such plans and specifications shall be prepared by a Rhode Island registered professional engineer and be so stamped.

9.4.2 Any additional information, plans, specifications, evidence or documentation that the director may require.

9.5 Standards for Granting Approval to Construct, Install or Modify

9.5.1 No approval to construct, install or modify shall be granted unless the applicant shows to the satisfaction of the director that:

(a) The machine, equipment, device, article, facility or air pollution control system is designed and will be constructed, installed or modified to operate without causing a violation of the applicable air pollution control rules and regulations.

(b) The machine, equipment, device, article, facility or air pollution control system as constructed, installed or modified does not prevent the maintenance or attainment of any applicable ambient air quality standard.

9.6 Action on Applications

9.6.1 The director shall act on an application for approval to construct, install or modify and shall notify the applicant in writing of his action on the application.

9.6.2 If an application is denied, the director shall set forth his objections in the notice of denial.

9.6.3 The applicant may submit answers and comments, in duplicate, to the director's objections to the application.

9.6.4 The director will consider the applicant's answers and either affirm his prior decision or grant the application.

9.7 Inspection to Insure Compliance with Approved Plans

9.7.1 After the construction, installation or modification of such machine, device, article or facility, or air pollution control system, the director shall inspect the machine, equipment, device, article, facility or air pollution control system to insure that:

(a) It is located as shown on the equipment location drawing.

(b) It is constructed as indicated in the application.

(c) It is capable of operation in compliance with the applicable rules and regulations of the Department of Health.

9.7.2 Source testing will be conducted if deemed necessary by the director.

9.7.3 To permit emission sampling by the director the new source shall be provided with:

(a) Sampling ports of a size, number and location as the director may require.

(b) Safe access to each port.

(c) And other sampling and testing facilities the director may require.

9.8 Condition of Approval

9.8.1 Any approval given by the director shall continue in effect only as long as the operation of the machine,equipment, device, article, facility or air pollution control system is satisfactory to the director.

9.9 Cancellation of Approval to Construct, Install or Modify

9.9.1 The director may cancel an approval to construct, install or modify if the construction, installation or modification is not begun within one year from the date of issuance, or if the work involved in the construction, installation or modification is suspended for one year or more from the date of issuance.

9.9.2 An applicant may secure an extension of the time limit provided for in 9.9.1 by filing a written request to the director stating the reasons for the request. Extensions will be granted for a period of not more than six months.

9.10 Malfunction of Equipment

9.10.1 In the case of shutdown of air pollution control equipment for necessary scheduled maintenance, the intent to shut down such equipment shall be reported to the director at least 24 hours prior to the planned shutdown. Such prior notice shall include, but is not limited to the following:

(a) Identification of the specific facility to be taken out of service as well as its location and permit number.

(b) The expected length of time that the air pollution control equipment will be out of service.

(c) The nature and quantity of emissions of air contaminants likely to occur during the shut-down period.

9.10.2 In the case of breakdown of air pollution control equipment the director shall be notified immediately.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF HEALTH
AIR POLLUTION EPISODE REGULATIONS

(8.0) 10. Air Pollution Episodes

10.1 Episode Criteria

Conditions justifying the proclamation of an air pollution alert, air pollution warning or air pollution emergency shall be deemed to exist whenever the director determines that the accumulation of air pollutants in any place is attaining or has attained levels which could, if such levels are sustained or exceeded, lead to a substantial threat to the health of persons. In making this determination, the director will be guided by the following criteria:

(a) "Air Pollution Forecast": An internal watch by the Division of Air Pollution Control shall be actuated by a National Weather Service advisory that Atmospheric Stagnation Advisory is in effect or the equivalent local forecast of stagnant atmospheric condition.

(b) "Air Pollution Alert": The Alert level is that concentration of pollutants at which first stage control actions is to begin. An Alert will be declared when any one of the following levels is reached at any monitoring site:

SO_2 --500 ug/m^3 (0.11 ppm), 24-hour average.

Particulate-- 3.0 COHs, 24- hour average.

SO_2 and Particulate Combined -- Product of SO_2 (ppm) for a 24-hour average and Particulate (COHs) for a 24-hour average equal to 0.2.

CO -- 17 mg/m^3 (15 ppm), 8-hour average.

Oxidant (O_3) -- 200 ug/m^3 (0.1 ppm), 1-hour average.

NO_2 -- 1130 ug/m^3 0.6 ppm), 1-hour average, 282 ug/m^3 (o.15 ppm), 24-hour average.

and meteorological conditions are such the pollutant concentrations can be expected to remain at the above levels for twelve (12) or more hours or increase unless control actions are taken.

(c) "Air Pollution Warning": The Warning level indicates that air quality is continuing to degrade and that additional control actions are necessary. A warning will be declared when any one of the following levels is reached at any monitoring site:

SO_2 -- 800 ug/m^3 (0.25 ppm), 24-hour average.

Particualte -- 5.0 CHOs, 24-hour average.

SO_2 and Particulate Combined -- Product of SO_2 (ppm) for a 24- hour average and Particulate (COHs) for a 24-hour average equal to 0.8.

CO -- 34 mg/m^3 (30 ppm), 8-hour average.

Oxidant (03) -- 800 ug/m^3 (0.4 ppm), 1-hour average.

NO_2 -- 2260 ug/m3 (1.2 ppm), 1-hour average, 565 ug/m^3 (0.3 ppm), 24-hour average

and meteorological conditions are such that pollutant concentrations can be expected to remain at the above levels for twelve (12) or more hours or increase unless control actions are taken.

(d) "Air Pollution Emergency": The Emergency level indicates that air quality is continuing to degrade to a level that should never be reached and that the most stringent control actions are necessary. An emergency will be declared when any one of the following levels is reached at any monitoring site:

SO_2 -- 1309 ug/m^3 (0.5 ppm), 24-hour average.

Particulate -- 7.0 COHs, 24-hour average.

SO_2 and Particulate Combined -- Product of SO_2 (ppm) for a 24-hour average and Particulate (COHs) for a 24-hour average equal to 1.2.

CO -- 46 mg/m^3 (40 ppm), 8-hour average.

Oxidant (03) -- 1200 ug/m^3 (0.6 ppm), 1-hour average.

NO_2 -- 3000 ug/m^3 (1.6 ppm), 1-hour average, 750 ug/m^3 (0.4 ppm), 24-hour average.

and meteorological conditons are such that this condition can be expected to continue for twelve (12) or more hours.

(e) "Termination": Once declared, any status reached by application of these criteria will remain in effect until the criteria for that level are no longer met. At such time, the next lower status will be assumed.

10.2 Emission Reduction Plans

(a) Air Pollution Alert - When the governor declares an Air Pollution Alert, any person responsible for the operation of a source of air pollutants as set forth in Table I shall take all Air Pollution Alert actions as required for such sources of air pollutants and shall put into effect the preplanned abatement strategy for an Air Pollution Alert.

(b) Air Pollution Warning - When the governor declares an Air Pollution Warning, any person responsible for the operation of a source of air pollutants as set forth in Table II shall take all Air Pollution Warning actions as required for such sources of air pollutants and shall put into effect the preplanned abatement strategy for an Air Pollution Warning.

(c) Air Pollution Emergency - When the governor declares an Air Pollution Emergency, any person responsible for the operation of a source of air pollutants as described in Table III shall take all Air Pollution Emergency actions as required for such sources of air pollutants and shall put into effect the preplanned abatement strategy for an Air Pollution Emergency.

(d) When the governor determines that a specified criteria level has been reached at one or more monitoring sites solely because of emissions from a limited number of sources, he shall notify such source(s) that the preplanned abatement strategies of Tables I, II and III or the standby plans are required, insofar as it applies to such source(s), and shall be put into effect until the criteria of the specified level are no longer met.

10.3 Preplanned Abatement Strategies

(a) Any person responsible for the operation of a source of air pollutants as set forth in Tables I-III shall prepare standby plans for reducing the emission of air pollutants during periods of an Air Pollution Alert, Air Pollution Warning and Air Pollution Emergency. Standby plans shall be designed to reduce or eliminate emissions of air pollutants in accordance with the objectives set forth in Tables I-III which are made a part of this section.

(b) Any person responsible for the operation of a source of air pollutants not set forth under section 10.3(a) shall, when requested by the director in writing, prepare standby plans for reducing the emission of air pollutants during periods of an Air Pollution Alert, Air Pollution Warning and Air Pollution Emergency. Standby plans shall be designed to reduce or eliminate emissions of air pollutants in accordance with the objectives set forth in Tables I-III.

(c) Standby plans as required under section 10.3(a) and 10.3(b) shall be in writing and identify the sources of air pollutants, the approximate amount of reduction of pollutants and a brief description of the manner in which the reduction will be achieved during an Air Pollution Alert, Air Pollution Warning and Air Pollution Emergency.

(d) During a condition of Air Pollution Alert, Air Pollution Warning and Air Pollution Emergency, standby plans as required by this section shall be made available on the

premises to any person authorized to enforce the provisions of applicable rules and regulations.

(e) Standby plans as required by this section shall be submitted to the director upon request within thirty (30) days of the receipt of such request; such standby plans shall by subject to review and approval by the director. If, in the opinion of the director, a standby plan does not effectively carry out the objectives as set forth in Tables I-III, the director may disapprove it, state his reason for disapproval and order the preparation of an amended standby plan within the time period specified in the order.

TABLE I - ABATEMENT STRATEGIES EMISSION REDUCTION PLANS
ALERT LEVEL
PART A. GENERAL

1. There shall be no open burning by any persons of tree waste, vegetation, refuse or debris in any form.
2. The use of incinerators for the disposal of any form of solid waste shall be limited to the hours between 12 noon and 4 P.M.
3. Persons operating fuel-burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12 noon and 4 P.M.
4. Persons operating motor vehicles should eliminate all unnecessary operations.

PART B. SOURCE CURTAILMENT

Any person responsible for the operation of a source of air pollutants listed below shall take all required control actions for this Alert Level.

Source of Air Pollution	Control Action
1. Coal or oil-fired electric power generating facilities.	a. Substantial reduction by utilization of fuels having low ash and sulfur content. b. Maximum utilization of mid-day (12 noon to 4 P.M.) atmospheric turbulence for boiler lancing and soot blowing c. Substantial reduction by diverting electric power generation to facilities outside of Alert Area.
2. Coal and oil-fired process steam generating facilities.	a. Substantial reduction by utilization of fuels having low ash and sulfur content b. Maximum utilization of mid-day (12 noon to 4 P.M.) atmospheric turbulence for boiler lancing and soot blowing. c. Substantial reduction of steam load demands consistent with continuing plant operations.
3. Manufacturing industries of the following classifications: Primary Metals Industry. Petroleum Refining Operations. Chemical Industries. Mineral Processing Industries. Paper and Allied Products. Grain Industry.	a. Substantial reduction of air pollution from manufacturing operations by curtailing, postponing or deferring production and all operations. b. Maximum reduction by deferring trade waste disposal operations which emit solid particles, gas vapors, or malodorous substances. c. Maximum reduction of heat load demands for processing. d. Maximum utilization of mid-day (12 noon to 4 P.M.) atmospheric turbulence for boiler lancing or soot blowing.

TABLE II - EMISSION REDUCTION PLANS
WARNING LEVEL
PART A. GENERAL

1. There shall be no open burning by any persons of tree waste, vegetation, refuse or debris in any form.
2. The use of incinerators for the disposal of any form of solid waste or liquid waste shall be prohibited.
3. Persons operating fuel-burning equipment which requires boilder lancing or soot blowing shall perform such operations only between the hours of 12 noon and 4 P.M.
4. Persons operating motor vehicles must reduce operations by the use of car pools and increased use of public transportation and elimination of unnecessary operation.

PART B. SOURCE CURTAILMENT

Any person responsible for the operation of a source of air pollutants listed below shall take all required control action for this Warning Level.

Source of Air Pollution	Control Action
1. Coal or oil-fired electric power generating facilities	a. Maximum reduction by utilization of fuels having lowest ash and sulfur content. b. Maximum utilization of mid-day (12 noon to 4 P.M.) atmospheric turbulence for boiler lancing and soot blowing. c. Maximum reduction by diverting electric power generation to facilities outside of Warning Area.
2. Coal and oil-fired process steam generating facilities.	a. Maximum reduction by utilization of fuels having thelowest available ash and sulfur content. b. Maximum utilization of mid-day (12 noon to 4 P.M.) atmospheric turbulence for boiler lancing and soot blowing. c. Making ready for use a plan of action to be taken if an emergency develops.
3. Manufacturing industries which require considerable lead time for shut-down including the following classifications: Petroleum Refining. Chemical Industries. Primary Metals Industries. Glass Industries. Paper and Allied Products	a. Maximum reduction of air contaminants from manufacturing operations by, if necessary, assuming reasonable economic hardships by postponing production and allied operation. b. Maximum reduction by deferring trade waste disposal operations which emit solid particles, gases, vapors or malodorous substances.

(Continued on next page)

	c. Maximum reduction of heat load demands for processing. d. Maximum utilization of mid-day (12 noon to 4 P.M.) atmospheric turbulence for boiler lancing or soot blowing.
4. Manufacturing industries require relatively short lead times for shut-down including the following classifications: Primary Metal Industries. Chemical Industries. Mineral Processing Industries. Grain Industry.	a. Elimination of air pollutants from manufacturing operations by ceasing, curtailing, postponing or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment. b. Elimination of air pollutants from trade waste disposal processes which emit solid particles, gases, vapors or malodorous substances. c. Maximum reduction of heat load demands for processing. d. Maximum utilization of mid-day (12 noon to 4 P.M.) atmospheric turbulence for boiler lancing or soot blowing.

TABLE III - EMISSION REDUCTION PLANS
EMERGENCY LEVEL
PART A. GENERAL

1. There shall be no open burning by any persons of tree waste, vegetation, refuse or debris in any form.
2. The use of incinerators for the disposal of any form of solid or liquid waste shall be prohibited.
3. All places of employment described below shall immediately cease operations:

   a. Mining and quarrying of nonmetallic minerals.
   b. All construction work except that which must proceed to avoid emergent physical harm.
   c. All manufacturing establishments except those rquired to have in force an air pollution emergency plan.
   d. All wholesale trade establishments; i.e., places of business primarily engaged in selling merchandise to retailers, or industrial, commercial, institutional or professional users, or to other wholesalers, or acting as agents in buying merchandise for or selling merchandise to such persons or companies, except those engaged in the distribution of drugs, surgical supplies and food.
   e. All offices of local, county and state government including authorities, joint meetings and other public bodies excepting such agencies which are determined by the chief administrative officer or local, county or state government, authorities, joint meetings and other public bodies to be vital for public safety and welfare and the enforcement of the provisions of this order.
   f. All retail trade establishments except pharmacies, surgical supply distributors and stores primarily engaged in the sale of food.
   g. Banks, credit agencies other than banks, securities and commodities brokers, dealers, exchanges and services; offices of insurance carriers, agents and brokers, real estate offices.
   h. Wholesale and retail laundries, laundry services and cleaning and dyeing establishments; photographic studios; beauty shops, barber shops, shoe repair shops.
   i. Advertising offices; consumer credit reporting, adjustment and collection agencies; duplicating, addressing, blueprinting; photocopying, mailing, mailing list and stenographic services; equipment rental services, commercial testing laboratories.
   j. Automobile repair, automobile services, garages.
   k. Establishments rendering amusement and recreational services including motion picture theaters.
   l. Elementary and secondary schools, colleges, universities, professional schools, junior colleges, vocational schools and public and private libraries.

4. All commercial and manufacturing establishments not included in this order will institute such actions as will result in maximum reduction of air pollutants from their operation by ceasing, curtailing or postponing operations which emit air pollutants to the extent possible without causing injury to persons or damage to equipment. The use of motor vehicles is prohibited except in emergencies with the approval of local or State police.

PART B. SOURCE CURTAILMENT

Any person responsible for the operation of a source of air pollutants listed below shall take all required control actions for this Emergency Level.

Source of Air Pollution	Control Action
1. Coal or oil-fired electric power generating facilities.	a. Maximum reduction by utilization of fuels having lowest ash and sulfur content. b. Maximum utilization of mid-day (12 noon to 4 P.M.) atmospheric turbulence for boiler lancing or soot blowing. c. Maximum reduction by diverting electric power generation to facilities outside of Emergency Area.
2. Coal and oil-fired process steam generating facilities.	a. Maximum reduction by reducing heat and steam demands to absolute necessities consistent with preventing equipment damage. b. Maximum utilization of mid-day (12 noon to 4 P.M.) atmospheric turbulence for boiler lancing and soot blowing. c. Taking the action called for in the emergency plan.
3. Manufacturing industries of the following classifications: Primary Metal Industries. Petroleum Refining. Chemical Industries. Mineral Processing Industries. Paper and Allied Products.	a. Elimination of air pollutants from manufacturing operations by ceasing, curtailing, postponing or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment. b. Elimination of air pollutants from trade waste disposal processes which emit solid particles, gases, vapors or malodorous substances. c. Maximum reduction of heat load demands for processing. d. Maximum utilization of mid-day (12 noon to 4 P.M.) atmospheric turbulence for boiler lancing or soot blowing.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

DEPARTMENT OF HEALTH

REGULATIONS ON CONTROL OF NITROGEN OXIDES EMISSIONS
FROM GAS-FIRED AND OIL-FIRED FUEL BURNING EQUIPMENT

(51.7) 11. Nitrogen Oxides Control from Gas-fired and Oil-Fired Fuel Burning Equipment

11.1 No person shall cause or permit the emission of nitrogen oxides, calculated as nitrogen dioxide, from gas-fired fuel burning equipment in excess of 0.2 pounds per million Btu (0.36 gm/10^6 gm-cal) of heat input.

11.2 No person shall cause or permit the emission of nitrogen oxides, calculated as nitrogen dioxide, from oil-fired fuel burning equipment in excess of 0.30 pounds per million Btu (0.54 gm/10^6 gm-cal) of heat input.

11.3 These regulations are applicable to gas-fired and oil-fired fuel burning equipment of more than 100 million Btu per hour heat input.

11.4 The provisions of Sections 11.1, 11.2 and 11.3 will become effective one year from the effective date of these regulations.

DEPARTMENT OF HEALTH

REGULATIONS ON THE PREVENTION
AND CONTROL OF AIR POLLUTION FROM INCINERATORS

(51.9) 12. Prevention and Control of Air Pollution from Incinerators

12.1 Definitions: As used in these regulations, the following terms shall, where the context permits, be construed as follows:

12.1.1 "Type 0 Refuse" means trash, a mixture of highly combustible refuse such as paper, cardboard, cartons, wood boxes, and combustible floor sweepings, containing approximately 10% moisture and 5% incombustible solids, and having a heating value of approximately 8500 Btu per pound as fired, and deriving from commercial and industrial activities. The mixtures contain up to 10% by weight of plastic bags, coated paper, laminated paper treated corrugated cardboard, oily rags and plastic or rubber scraps.

12.1.2 "Type 1 Refuse" means rubbish, a mixture of combustible refuse such as paper, cardboard, cartons, wood scraps, foliage and combustible floor sweepings, containing approximately 25% moisture and 10% combustible solids and having a heating value of approximately 6500 Btu per pound as fired, and deriving from domestic, commercial and industrial activities. The mixture contains up to 20% by weight of restaurant or cafeteria refuse but contains little or no treated paper, plastic or rubber refuse.

12.1.3 "Type 2 Refuse" means refuse, consisting of an approximately even mixture of rubbish and garbage by weight, containing up to 50% moisture and approximately 7% incombustible solids, and having a heating value of approximately 4300 Btu per pound as fired, and commonly deriving from apartment and residential occupancy.

12.1.4 "Type 3 Refuse" means garbage, consisting of animal and vegetable refuse containing up to 70% moisture and up to 5% incombustible solids and having a heating value of approximately 2500 Btu per pound as fired and deriving from restaurants, cafeterias, hotels, hospitals, markets and like installations.

12.1.5 "Type 4 Refuse" means human and animal remains, consisting of carcasses, organs and solid organic refuse from hospitals, laboratories, abbatoirs, animal pounds and similar sources, consisting of up to 85% moisture and approximately 5% incombustible solids and having a heating value of approximately 1000 Btu per pound as fired

12.1.6 "Type 5 Refuse" means by-product refuse, gaseous, liquid or semi-liquid, such as tar, paints, solvents, sludge, fumes, etc., from industrial operations.

12.1.7 "Type 6 Refuse" means solid by-product refuse, such as rubber, plastics, wood waste, etc., from industrial operations.

12.1.8 "Single Flue-Fed Incinerator" means an incinerator provided with a single flue which serves as both the charging chute and the flue to transport products of combustion to the atmosphere.

12.1.9 "Multiple Chamber Incinerator" means an incinerator with two or more refractory-lined combustion chambers in series physically separated by refractory walls, interconnected by gas passages, and employing adequate design parameters necessary for maximum combustion of the refuse materials.

12.2 Emission Standards

12.2.1 New Incinerators

(a) No person shall construct, install, use or cause to be used any new incinerator of less than 2000 pounds per hour refuse input capacity and designed only to burn Types 0, 1, 2 and/or 3 refuse, which will emit more than 0.16 gr./s.c.f. (0.36 g./NM^3) of particulate matter corrected to 12 percent CO_2, maximum two-hour average.

(b) No person shall construct, install, use or cause to be used any new incinerator of 2000 pounds per hour or more refuse input capacity, or any new incinerator of any capacity which burns Types 4, 5 and/or 6 refuse, which emit more than 0.08 gr./s.c.f. (0.18 g./NM^3) of particulate matter corrected to 12 percent CO_2, maximum two-hour average.

12.2.2 Existing Incinerators

(a) No person shall modify or relocate and use or cause to be used after 31 January 1974 any existing incinerator of less than 2,000 pounds per hour refuse input capacity and designed only to burn Types 0, 1, 2 and/or 3 refuse, which will emit more than 0.16 gr./NM^3) of particulate matter corrected to 12 percent CO_2, maximum two-hour average.

(b) No person shall modify or relocate and use or cause to be used after 31 January 1974 any existing incinerator of less than 2,000 pounds per hour refuse input capacity and designed to burn Types 4, 5,

and/or 6 refuse, which will emit more than .08 gr./s.c.f. (0.18 g./Nm^3) of particulate matter corrected to 12 percent CO_2, maximum two-hour average.

(c) No person shall modify or relocate and use or cause to be used after 31 May 1975 any existing incinerator of 2,000 pounds per hour or more refuse input capacity which will emit more than .08 gr./s.c.f. (0.18 g./Nm^3) of particulate matter corrected to 12 percent CO_2, maximum two-hour average.

12.2.3 Compliance Schedules

All sources subject to subsection 12.2.2 (c) shall comply with its requirements as expeditiously as practicable but in no case later than 31 May 1975. No later than 15 February 1973 the owners or operators of such sources shall submit to the director for his approval compliance schedules containing such increments of progress toward compliance as may be necessary to permit close and effective supervision of progress toward compliance including, where practicable, the following increments: submission to the director of plans and/or specifications necessary to bring about compliance with this subsection; award necessary contracts to implement such plans; initiation of any construction, process modification, installation of control equipment or other measures required by the plan; completion of any construction, process modifications, installation of control equipment or any other measures required by the plan; the date by which final compliance with this subsection will be achieved. If a source fails to submit a compliance schedule meeting the requirements of this subsection by 15 February 1973, the director will establish one for said source.

12.3 Construction Standards

12.3.1 No person shall construct, install, use or cause to be used any new incinerator unless such incinerator is of the multiple chamber type or of a type approved by the director as being equally effective for the purpose of air pollution control.

12.3.2 No person shall use or cause to be used after 31 January 1974 any existing incinerator unless such incinerator is of the multiple chamber type or of a type approved by the director as being equally effective for the purpose of air pollution control

12.3.3 No person shall construct, install, use or cause to be used any new single flue-fed incinerator.

12.4 Approval to Construct, Alter, or Modify

12.4.1 No person shall construct or install any new incinerator, or any new control apparatus, or modify any existing incinerator, or any existing control apparatus, without first having obtained an approval to construct, install or modify from the director in accordance with the provisions of Regulation 9 of the State of Rhode Island Air Pollution Control Rules and Regulations.

12.5 Exceptions

12.5.1 The provisions of these regulations shall not apply to incinerators installed or used in one-, two-, or three-family dwellings.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF HEALTH
REGULATIONS ON PREVENTION AND CONTROL OF
AIR POLLUTION FROM FUEL BURNING EQUIPMENT

(51.5) 13. Prevention and Control of Air Pollution from Fuel Burning Equipment

13.1 No person shall cause or permit the emission, from fuel burning equipment having a heat input of more than 250 million Btu per hour, of particulate matter in excess of 0.10 pounds per million Btu per hour heat input.

13.2 No person shall cause or permit the emission, from fuel burning equipment having a heat input of more than one million Btu per hour and less than 250 million Btu per hour, of particulate matter in excess of 0.20 pounds per million Btu per hour heat input.

13.3 For purposes of these regulations, the heat input shall be the aggregate heat content of all fuels whose products of combustions pass through a stack or stacks. The heat input value used shall be the equipment manufacturer's or designer's guaranteed maximum input, whichever is greater. The total heat input of all fuel burning units on a plant or premises shall be used for determining the maximum allowable amount of particulate matter which may be emitted.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF HEALTH
REGULATIONS ON RECORD KEEPING AND REPORTING

14. Record Keeping and Reporting

14.1 The owner or operator of any stationary source of air contaminants shall, at the request of the Director of the Department of Health, maintain records of and submit to him data on operational processes. fuel usage, emissions, stack parameters, boiler capacities, types of equipment generating air contaminants and air contaminant control devices that may be necessary to determine if the source is in compliance with applicable rules and regulations of the department.

14.2 Information obtained from owners or operators of stationary sources pursuant to Section 14.1 will be correlated with applicable emission limitations and other control regulations and will be made available for public inspection.

14.3 The information recorded by the owner or operator of a stationary source shall be summarized and reported to the Director of the Department of Health on forms furnished by him. They shall be submitted within 45 days following the end of the reporting period. Reporting periods are 1 January - 30 June and 1 July - 31 December.

14.4 The provisions of these regulations shall not apply to any emission source installed or used in one-, two-, or three-family dwellings.

FEDERALLY PROMULGATED

REGULATIONS

(14.0) 52.2073 Regulation for Public Availability

(1) Information obtained from owner or operators of stationary sources pursuant to 52.2075 will be correlated with applicable emission limitations and other control regulations and will be made available for public inspection at the Rhode Island Department of Health, 204 Health Building, Providence, Rhode Island.

(13.0) 52.2075 Regulation for Source Record Keeping and Reporting

(1) The owner or operator of all stationary sources which have the potential to emit a total of 100 tons or more per year of any one air contaminant for which there is a national standard shall maintain records of, and submit to the Director, data on operational processes, fuel usage, emission, stack parameter, boiler capacities, types of equipment generating air contaminants and air contaminant control devices that may be necessary to determine if the source is in compliance with applicable rules and regulations of the Department. Upon notification of the Administrator, or the Director of the Rhode Island Department of Health, sources with the potential to emit less than 100 tons per year of any air contaminant shall also be subject to the requirements of this paragraph. For the purposes of this paragraph, potential emissions shall be calculated at the design load assuming no control equipment is in use and fuel having a sulfur content of 2.2 percent by weight (dry basis) is being burned.

(2) The information recorded by the owner or operator of a stationary source shall be summarized and reported to the Director of the Department of Health on forms furnished by him. They shall be submitted within 30 days following the end of the reporting period. Reporting periods are January 1-June 30 and July 1 - December 31.

(3) Information recorded by the owner or operator and copies of the summarizing reports submitted to the Director shall be retained by the owner or operator for two years after the date on which the pertinent report is submitted.

(2.0) 52.2078 Regulation Limiting Administrative Abatement Orders

(1) No order deferring compliance with a requirement of the Rhode Island Implementation Plan shall be issued by the Director of the Department of Health which does not meet the following requirements:

(i) An order must require compliance with the plan requirement within the times and under the conditions specified in (51.15 (b) 1 and 2) of this chapter.

(ii) An order may not defer compliance beyond the last date permitted by (110) of the Act for attainment of the national standard which the plan implements unless the procedures and conditions set forth in (110 - f) of the Act are met.

(iii) An order shall not be effective until it has been submitted to and approved by the Administrator in accordance with (51.6, 51.8, 51.15,b and c) and, if applicable, (51.32, a-e) of this chapter.

(2) Nothwithstanding the limitations of paragraph (b) (1) (ii) of this section, an order may be granted which provides for compliance beyond the statutory attainment date for a national standard where compliance is not possible because of breakdowns or malfunctions of equipment, acts of God, or other unavoidable occurrences. However, such order may not defer compliance for more than three (3) months unless the procedures and conditions set forth in section 110 (f) of the Act are met.

(2.0) 52.2080 Regulation for Plan Revisions

(1) The Rhode Island implementation plan shall be revised:

(i) When necessary to take account of a revision of the national primary or secondary ambient air quality standard which it implements;

(ii) When improved or more expeditious methods of attaining a national standard which it implements become availabe.

(iii) When the Administrator finds that the plan is substantially inadequate to attain or maintain the national standard which it implements and issues notice of such finding pursuant to (51.6) of this chapter.

(2) The Rhode Island implementation plan may be revised from time to time to the extent such revisions are consistent with the requirements applicable to implementation plans set forth in this chapter and the Act.

(3) No revision shall be effective until the hearing requirements of (51.4) of this chapter have been satisfied.

(10.0) 52.2081 Review of New or Modified Indirect Sources

(b) Regulation for Review of New or Modified Indirect Sources

(1) All terms used in this paragraph but not specifically defined below shall have the meaning given them in 52.01 of this chapter.

(i) The term "indirect source" means a facility, building, structure, or installation which attracts or may attract mobile source activity that results in emissions of a pollutant for which there is a national standard. Such indirect sources include, but are not limited to:

(a) Highways and roads.

(b) Parking facilities.

(c) Retail, commercial and industrial facilities.

(d) Recreation, amusement, sports and entertainment facilities.

(e) Airports.

(f) Office and Government buildings.

(g) Apartment and condominium buildings.

(h) Education facilities.

(ii) The term "Administrator" means the Administrator of the Environmental Protection Agency or his designated agent.

(iii) The term "associated parking area" means a parking facility or facilities owned and/or operated in conjunction with an indirect source.

(iv) The term "aircraft operation" means an aircraft take-off or landing.

(v) The phrase "to commence construction" means to engage in a continuous program of on-site construction including site clearance, grading, dredging, or land filling specifically designed for an indirect source in preparation for the fabrication, erection, or installation of the building components of the indirect source. For the purpose of this paragraph, interruptions resulting from acts of God, strikes, litigation, or other matters beyond the control of the owner shall be disregarded in determining whether a construction or modification program is continuous.

(vi) The phrase "to commence modification" means to engage in a continuous program of on-site modification, including site clearance, grading, dredging, or land filling in preparation for specific modification of the indirect source.

(vii) The term "highway section" means the development proposal of a highway of substantial length between logical termini (major crossroads, population centers, major traffic generators, or similar major highway control elements) as normally included in a single location study or multi-year highway improvement program as set forth in 23 CFR 770.201 (38 FR 31677).

(viii) The term "highway project" means all or a portion of a highway section which would result in a specific construction contract.

(ix) The term "Standard Metropolitan Statistical Area (SMSA)" means such areas as designated by the U.S. Bureau of the Budget in the following publication: "Standard Metropolitan Statistical Area," issued in 1967, with subsequent amendments.

(2) The requirements of this paragraph are applicable to the following:

(i) In an SMSA:

(a) Any new parking facility or other new indirect source with an associated parking area, which has a new parking capacity of 1,000 cars or more; or

(b) Any modified parking facility, or any modification of an associated parking area, which increases parking capacity by 500 cars or more; or

(c) Any new highway project with an anticipated average annual daily traffic volume of 20,000 or more vehicles per day within ten years of construction; or

(d) Any modified highway project which will increase average annual daily traffic volume by 10,000 or more vehicles per day within ten years after modification.

(ii) Outside an SMSA:

(a) Any new parking facility, or other new indirect source with an associated parking area, which has a parking capacity of 2,000 cars or more; or

(b) Any modified parking facility, or any modification of an associated parking area, which increases parking capacity by 1,000 cars or more.

(iii) Any airport, the construction or general modification program of which is expected to result in the following activity within ten years of construction or modification:

(a) New airport: 50,000 or more operations per year by regularly scheduled air carriers, or use by 1,600,000 or more passengers per year.

(b) Modified airport: Increase of 50,000 or more operations per year by regularly scheduled air carriers over the existing volume of operations, or increase of 1,600,000 or more passengers per year.

(iv) Where an indirect source is constructed or modified in increments which individually are not subject to review under this paragraph, and which are not part of a program of construction or modification in planned incremental phases approved by the Administrator, all such increments commenced after December 31, 1974, or after the latest approval hereunder, whichever date is most recent, shall be added together for determining the applicability of this paragraph.

(3) No owner or operator of an indirect source subject to this paragraph shall commence construction or modification of such source after December 31, 1974, without first obtaining approval from the Administrator. Application for approval to construct or modify shall be by means prescribed by the Administrator, and shall include a copy of any draft or final environmental impact statement which has been prepared pursuant to the National Environmental Policy Act (42 U.S.C. 4321). If not included in such environmental impact statement, the Administrator may request the following information:

(i) For all indirect sources subject to this paragraph, other than highway projects:

(a) The name and address of the applicant.

(b) A map showing the location of the site of indirect source and the topography of the area.

(c) A description of the proposed use of the site, including the normal hours of operation of the facility, and the general types of activities to be operated therein.

(d) A site plan showing the location of associated parking areas, points of motor vehicle ingress and egress to and from the site and its associated parking areas, and the location and height of buildings on the site.

(e) An identification of the principal roads, highways, and intersections that will be used by motor vehicles moving to or from the indirect source.

(f) An estimate, as of the first year after the date the indirect source will be substantially complete and operational, of the average daily traffic volumes, maximum traffic volumes for one-hour and eight-hour periods, and vehicle capacities of the principal roads, highways, and intersections identified pursuant to subdivision (i) (e) of this subparagraph located within one-fourth mile of all boundaries of the site.

(g) Availability of existing and projected mass transit to service the site.

(h) Where approval is sought for indirect sources to be constructed in incremental phases, the information required by this subparagraph (3) shall be submitted for each phase of the construction project.

(i) Any additional information or documentation that the Administrator deems necessary to determine the air quality impact of the indirect source, including the submission of measured air quality data at the proposed site prior to construction or modification.

(ii) For airports:

(a) An estimate of the average number and maximum number of aircraft operations per day by type of aircraft during the first, fifth and tenth years after the date of expected completion.

(b) A description of the commercial, industrial, residential and other development that the applicant expects will occur within three miles of the perimeter of the airport within the first five and the first ten years after the date of expected completion.

(c) Expected passenger loadings at the airport.

(d) The information required under subdivisions (i) (a) through (i) of this subparagraph.

(iii) For highway projects:

(a) A description of the average and maximum traffic volumes for one, eight, and 24-hour time periods expected within 10 years of date of expected completion.

(b) An estimate of vehicle speeds for average and maximum traffic volume conditions and the vehicle capacity of the highway project.

(c) A map showing the location of the highway project, including the location of buildings along the right-of-way.

(d) A description of the general features of the highway project and associated right-of-way, including the approximate height of buildings adjacent to the highway.

(e) Any additional information or documentation that the Administrator deems necessary to determine the air quality impact of the indirect source, including the submission of measured air quality data at the proposed site prior to construction or modification.

(iv) For indirect sources other than airports and those highway projects subject to the provisions of paragraph (b) (6) (iii) of this section, the air quality monitoring requirements of paragraph (b) (3) (i) (i) of this section shall be limited to carbon monoxide, and shall be conducted for a period of not more than 14 days.

(4) (i) For indirect sources other than highway projects and airports, the Administrator shall not approve an application to construct or modify if he determines that the indirect source will:

(a) Cause a violation of the control strategy of any applicable state implementation plan; or

(b) Cause or exacerbate a violation of the national standards for carbon monoxide in any region or portion thereof.

(ii) The Administrator shall make the determination pursuant to paragraph (b) (4) (i) (b) of this section by evaluating the anticipated concentration of carbon monoxide at reasonable receptor or exposure sites which will be affected by the mobile source activity expected to be attracted by the indirect source. Such determination may be made by using traffic flow characteristic guidelines

published by the Environmental Protection Agency which relate traffic demand and capacity considerations to ambient carbon monoxide impact, by use of appropriate atmospheric diffusion models (examples of which are referenced in Appendix O to Part 51 of this chapter), and/or by any other reliable analytic method. The applicant may (but need not) submit with his application, the results of an appropriate diffusion model and/or any other reliable analytic method, along with the technical data and information supporting such results. Any such results and supporting data submitted by the applicant shall be considered by the Administrator in making his determination pursuant to paragraph (b) (4) (i) (b) of this section.

(5) (i) For airports subject to this paragraph, the Administrator shall base his decision on the approval or disapproval of an application on the considerations to be published as an Appendix to this Part.

(ii) For highway projects and parking facilities specified under paragraph (b) (2) of this section which are associated with airports, the requirements and procedures specified in paragraphs (b) (4) and (6) (i) and (ii) of this section shall be met.

(6) (i) For all highway projects subject to this paragraph, the Administrator shall not approve an application to construct or modify if he determines that the indirect source will:

(a) Cause a violation of the control strategy of any applicable state implementation plan; or

(b) Cause or exacerbate a violation of the national standards for carbon monoxide in any region or portion thereof.

(ii) The determination pursuant to paragraph (b) (6) (i) (b) of this section shall be made by evaluating the anticipated concentration of carbon monoxide at reasonable receptor or exposure sites which will be affected by the mobile source activity expected on the highway for the ten year period following the expected date of completion according to the procedures specified in paragraph (b) (4) (ii) of this section.

(iii) For new highway projects subject to this paragraph with an anticipated average daily traffic volume of 50,000 or more vehicles within ten years of construction, or modifications to highway projects subject to this paragraph which will increase average daily traffic volume by 25,000

or more vehicles within ten years after modification, the Administrator's decision on the approval or disapproval of an application shall be based on the considerations to be published as an Appendix to this Part in addition to the requirements of paragraph (b) (6) (i) of this section.

(7) The determination of the air quality impact of a proposed indirect source "at reasonable receptor or exposure sites", shall mean such locations where people might reasonably be exposed for time periods consistent with the national ambient air quality standards for the pollutants specified for analysis pursuant to this paragraph.

(8) (i) Within 20 days after receipt of an application or addition thereto, the Administrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (b) (8) (ii) of this section shall be the date on which all required information is received by the Administrator.

(ii) Within 30 days after receipt of a complete application, the Administrator shall:

(a) Make a preliminary determination whether the indirect source should be approved, approved with conditions in accordance with paragraphs (b) (9) or (10) of this section, or disapproved.

(b) Make available in at least one location in each region in which the proposed indirect source would be constructed, a copy of all materials submitted by the owner or operator, a copy of the Administrator's preliminary determination, and a copy or summary of other materials, if any, considered by the Administrator in making his preliminary determination; and

(c) Notify the public, by prominent advertisement in a newspaper of general circulation in each region in which the proposed indirect source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator and the Administrator's preliminary determination on the approvability of the indirect source.

(iii) A copy of the notice required pursuant to this subparagraph shall be sent to the applicant and to officials and agencies having cognizance over the location where the indirect source will be situated, as follows: State and local air pollution control agencies, the chief executive of the city and county; any comprehensive regional

land use planning agency; and for highways, any local board or committee charged with responsibility for activities in the conduct of the urban transportation planning process (3-C process) pursuant to 23 U.S.C. 134.

(iv) Public comments submitted in writing within 30 days after the date such information is made available shall be considered by the Administrator in making his final decision on the application. No later than 10 days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The Administrator shall consider the applicant's response in making his final decision. All comments shall be made available for public inspection in at least one location in the region in which the indirect source would be located.

(v) The Administrator shall take final action on an application within 30 days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial. Such notification shall be made available for public inspection in at least one location in the region in which the indirect source would be located.

(vi) The Administrator may extend each of the time periods specified in paragraphs (b) (8) (ii), (iv), or (v) of this section by no more than 30 days, or such other period as agreed to by the applicant and the Administrator.

(9) (i) Whenever an indirect source as proposed by an owner or operator's application would not be permitted to be constructed for failure to meet the tests set forth pursuant to paragraphs (b) (4) (i), (b) (5) (i), or (b) (6) (i) and (iii) of this section, the Administrator may impose reasonable conditions on an approval related to the air quality aspects of the proposed indirect source so that such source, if constructed or modified in accordance with such conditions, could meet the tests set forth pursuant to paragraphs (b) (4) (i), (b) (5) (i), or (b) (6) (i) and (iii) of this section. Such conditions may include, but not be limited to:

(a) Binding commitments to roadway improvements or additional mass transit facilities to serve the indirect source secured by the owner or operator from governmental agencies having jurisdiction thereof;

(b) Binding commitments by the owner or operator to specific programs for mass transit incentives for employees and patrons of the source; and

(c) Binding commitments by the owner or operator to construct, modify, or operate the indirect source in such a manner as may be necessary to achieve the traffic flow characteristics published by the Environmental Protection Agency pursuant to paragraph (b) (4) (ii) of this section.

(ii) The Administrator may specify that any items of information provided in an application for approval related to the operation of an indirect source which may affect the source's air quality impact shall be considered permit conditions.

(10) Notwithstanding the provisions relating to modified indirect sources contained in paragraph (b) (2) of this section, the Administrator may condition any approval by reducing the extent to which the indirect source may be further modified without resubmission for approval under this paragraph.

(11) Any owner or operator who fails to construct an indirect source in accordance with the application as approved by the Administrator; any owner or operator who fails to construct and operate an indirect source in accordance with conditions imposed by the Administrator under paragraph (b) (9) of this section; any owner or operator who modifies an indirect source in violation of conditions imposed by the Administrator under paragraph (b) (10) of this section; or any owner or operator of an indirect source subject to this paragraph who commences construction or modification thereof after December 31, 1974, without applying for and receiving approval hereunder, shall be subject to the penalties specified under section 113 of the Act and shall be considered in violation of an emission standard or limitation under section 304 of the Act. Subsequent modification to an approved indirect source may be made without applying for permission pursuant to this paragraph only where such modification would not violate any condition imposed pursuant to paragraphs (b) (9) and (10) of this section and would not be subject to the modification criteria set forth in paragraph (b) (2) of this section.

(12) Approval to construct or modify shall become invalid if construction or modification is not commenced within 24 months after receipt of such approval. The Administrator may extend such time period upon satisfactory showing that an extension is justified. The applicant may apply for such an extension at the time of initial application or at any time thereafter.

(13) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with the control strategy and all local, State and Federal regulations which are part of the applicable State implementation plan.

(14) Where the Administrator delegates the responsibility for implementing the procedures for conducting indirect source review pursuant to this paragraph to any agency, other than a regional office of the Environmental Protection Agency, the following provisions shall apply:

(i) Where the agency designated is not an air pollution control agency, such agency shall consult the appropriate State or local air pollution control agency prior to making any determination required by paragraphs (b) (4), (5), or (6) of this section. Similarly, where the agency designated does not have continuing responsibilities for land use planning, such agency shall consult with the appropriate State or local land use and transportation planning agency prior to making any determination required by paragraph (b) (9) of this section.

(ii) The Administrator of the Environmental Protection Agency shall conduct the indirect source review pursuant to this paragraph for any indirect source owned or operated by the United States Government.

(iii) A copy of the notice required pursuant to paragraph (b) (8) (ii) (c) of this section shall be sent to the Administrator through the appropriate Regional Office.

(15) In any area in which a "management of parking supply" regulation which has been promulgated by the Administrator is in effect, indirect sources which are subject to review under the terms of such a regulation shall not be required to seek review under this paragraph but instead shall be required to seek review pursuant to such management of parking supply regulation. For purposes of this paragraph, a "management of parking supply" regulation shall be any regulation promulgated by the Administrator as part of a transportation control plan pursuant to the Clean Air Act which requires that any new or modified facility containing a given number of parking spaces shall receive a permit or other prior approval, issuance of which is to be conditioned on air quality considerations.

(16) Notwithstanding any of the foregoing provisions to the contrary, the operation of this paragraph is hereby suspended pending further notice. No facility which commences construction prior to the expiration of the sixth month after the operation of this paragraph is reinstated (as to that type of facility) shall be subject to this paragraph.

(37 FR 10846, May 31, 1972 as amended at 40 FR 28065, July 3, 1975; 40 FR 40160, Sept. 2, 1975)

(17.0) 52.2083 Prevention of Significant Deterioration

(b) Definitions. For the purposes of this section:

(1) "Facility" means an identifiable piece of process equipment. A stationary source is composed of one or more pollutant-emitting facilities.

(2) The phrase "Administrator" means the Administrator of the Environmental Protection Agency or his designated representative.

(3) The phrase "Federal Land Manager" means the head, or his designated representative, of any Department or Agency of the Federal Government which administers federally-owned land, including public domain lands.

(4) The phrase "Indian Reservation" means any federally-recognized reservation established by Treaty, Agreement, Executive Order, or Act of Congress.

(5) The phrase "Indian Governing Body" means the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.

(6) "Construction" means fabrication, erection or installation of a stationary source.

(7) "Commenced" means that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

(c) Area designation and deterioration increment

(1) The provisions of this paragraph have been incorporated by reference into the applicable implementation plans for various States, as provided in Subparts B through DDD of this part. Where this paragraph is so incorporated, the provisions shall also be applicable to all lands owned by the Federal Government and Indian Reservations located in such State. The provisions of this paragraph do not apply in those counties or other functionally equivalent areas that pervasively exceeded any national ambient air quality standards during 1974 for sulfur dioxide or particulate matter and then only with respect to such pollutants. States may notify the Administrator at any time of those areas which exceeded the national standards during 1974 and therefore are exempt from the requirements of this paragraph.

(2) (i) For purposes of this paragraph, areas designated as Class I or II shall be limited to the following increases in pollutant concentration occurring since January 1, 1975:

Pollutant	Area Designations: Class I (ug/m^3)	Area Designations: Class II (ug/m^3)
Particulate matter:		
Annual geometric mean	5	10
24-hr maximum	10	30
Sulfur dioxide:		
Annual arithmetic mean	2	15
24-hr maximum	5	100
3-hr maximum	25	700

(ii) For purposes of this paragraph, areas designated as Class III shall be limited to concentrations of particulate matter and sulfur dioxide no greater than the national ambient air quality standards.

(iii) The air quality impact of sources granted approval to construct or modify prior to January 1, 1975 (pursuant to the approved new source review procedures in the plan) but not yet operating prior to January 1, 1975, shall not be counted against the air quality increments specified in paragraph (c) (2) (i) of this section.

(3) (i) All areas are designated Class II as of the effective date of this paragraph. Redesignation may be proposed by the respective States, Federal Land Manager, or Indian Governing Bodies, as provided below, subject to approval by the Administrator.

(ii) The State may submit to the Administrator a proposal to redesignate areas of the State Class I, Class II, or Class III, provided that:

(a) At least one public hearing is held in or near the area affected and this public hearing is held in accordance with procedures established in 51.4 of this chapter, and

(b) Other States, Indian Governing Bodies, and Federal Land Managers whose lands may be affected by the proposed redesignation are notified at least 30 days prior to the public hearing, and

(c) A discussion of the reasons for the proposed redesignation is available for public inspection at least 30 days prior to the hearing and the notice announcing the hearing contains appropriate notification of the availability of such discussion, and

(d) The proposed redesignation is based on the record of the State's hearing, which must reflect the basis for the proposed redesignation, including consideration of (1) growth anticipated in the area, (2) the social, environmental, and economic effects of such redesignation upon the area being proposed for redesignation and upon other areas and States, and (3) any impacts of such proposed redesignation upon regional or national interests.

(e) The redesignation is proposed after consultation with the elected leadership of local and other substate general purpose governments in the area covered by the proposed redesignation.

(iii) Except as provided in paragraph (c) (3) (iv) of this section, a State in which lands owned by the Federal Government are located may submit to the Administrator a proposal to redesignate such lands Class I, Class II, or Class III in accordance with subdivision (ii) of this subparagraph provided that:

(a) The redesignation is consistent with adjacent State and privately owned land, and

(b) Such redesignation is proposed after consultation with the Federal Land Manager.

(iv) Notwithstanding subdivision (iii) of this subparagraph, the Federal Land Manager may submit to the Administrator a proposal to redesignate any Federal lands to a more restrictive designation than would otherwise be applicable provided that:

(a) The Federal Land Manager follows procedures equivalent to those required of States under paragraph (c) (3) (ii) and,

(b) Such redesignation is proposed after consultation with the State(s) in which the Federal Land is located or which border the Federal Land.

(v) Nothing in this section is intended to convey authority to the States over Indian Reservations where States have not assumed such authority under other laws nor is it intended to deny jurisdiction which States have assumed

under other laws. Where a State has not assumed jurisdiction over an Indian Reservation the appropriate Indian Governing Body may submit to the Administrator a proposal to redesignate areas Class I, Class II, or Class III, *provided that:*

(a) The Indian Governing Body follows procedures equivalent to those required of States under paragraph (c) (3) (ii) and,

(b) Such redesignation is proposed after consultation with the State(s) in which the Indian Reservation is located or which border the Indian Reservation and, for those lands held in trust, with the approval of the Secretary of the Interior.

(vi) The Administrator shall approve, within 90 days, any redesignation proposed pursuant to this subparagraph as follows:

(a) Any redesignation proposed pursuant to subdivisions (ii) and (iii) of this subparagraph shall be approved unless the Administrator determines (1) that the requirements of subdivisions (ii) and (iii) of this subparagraph have not been complied with, (2) that the State has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph, or (3) that the State has not requested and received delegation of responsibility for carrying out the new source review requirements of paragraphs (d) and (e) of this section.

(b) Any redesignation proposed pursuant to subdivision (iv) of this subparagraph shall be approved unless he determines (1) that the requirements of subdivision (iv) of this subparagraph have not been complied with, or (2) that the Federal Land Manager has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph.

(c) Any redesignation submitted pursuant to subdivision (v) of this subparagraph shall be approved unless he determines (1) that the requirements of subdivision (v) of this subparagraph have not been complied with, or (2) that the Indian Governing Body has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph.

(d) Any redesignation proposed pursuant to this paragraph shall be approved only after the Administrator has solicited written comments from affected Federal agencies and Indian Governing Bodies and from the public on the proposal.

(e) Any proposed redesignation protested to the proposing State, Indian Governing Body, or Federal Land Manager and to the Administrator by another State or Indian Governing Body because of the effects upon such protesting State or Indian Reservation shall be approved by the Administrator only if he determines that in his judgment the redesignation appropriately balances considerations of growth anticipated in the area proposed to be redesignated; the social, environmental and economic effects of such redesignation upon the area being redesignated and upon other areas and States; and any impacts upon regional or national interests.

(f) The requirements of paragraph (c) (3) (vi) (a) (3) that a State request and receive delegation of the new source review requirements of this section as a condition to approval of a proposed redesignation, shall include as a minimum receiving the administrative and technical functions of the new source review. The Administrator will carry out any required enforcement action in cases where the State does not have adequate legal authority to initiate such actions. The Administrator may waive the requirements of paragraph (c) (3) (vi) (a) (3) if the State Attorney-General has determined that the State cannot accept delegation of the administrative/technical functions.

(vii) If the Administrator disapproves any proposed area designation under this subparagraph, the State, Federal Land Manager or Indian Governing Body, as appropriate, may resubmit the proposal after correcting the deficiencies noted by the Administrator or reconsidering any area designation determined by the Administrator to be arbitrary and capricious.

(d) Review of new sources

(1) The provisions of this paragraph have been incorporated by reference into the applicable implementation plans for various States, as provided in Subparts B through DDD of this part. Where this paragraph is so incorporated, the requirements of this paragraph apply to any new or modified stationary source of the type identified below which has not commenced construction or modification prior to June 1, 1975 except as specifically provided below. A

source which is modified, but does not increase the amount of sulfur oxides or particulate matter emitted, or is modified to utilize an alternative fuel, or higher sulfur content fuel, shall not be subject to this paragraph.

(i) Fossil-Fuel Steam Electric Plants of more than 1000 million B.T.U. per hour heat input.

(ii) Coal Cleaning Plants.

(iii) Kraft Pulp Mills.

(iv) Portland Cement Plants.

(v) Primary Zinc Smelters.

(vi) Iron and Steel Mills.

(vii) Primary Aluminum Ore Reduction Plants.

(viii) Primary Copper Smelters.

(ix) Municipal Incinerators capable of charging more than 250 tons of refuse per 24 hour day.

(x) Sulfuric Acid Plants.

(xi) Petroleum Refineries.

(xii) Lime Plants.

(xiii) Phosphate Rock Processing Plants.

(xiv) By-Product Coke Oven Batteries.

(xv) Sulfur Recovery Plants.

(xvi) Carbon Black Plants (furnace process).

(xvii) Primary Lead Smelters.

(xviii) Fuel Conversion Plants.

(xix) Ferroalloy production facilities commencing construction after October 5, 1975.

(2) No owner or operator shall commence construction or modification of a source subject to this paragraph unless the Administrator determines that, on the basis of information submitted pursuant to subparagraph (3) of this paragraph:

(i) The effect on air quality concentration of the source or modified source, in conjunction with the effects of growth and reduction in emissions after January 1, 1975, of other sources in the area affected by the proposed source, will not violate the air quality increments applicable in the area where the source will be located nor the air quality increments applicable in any other areas. The analysis of emissions growth and reduction after January 1, 1975, of other sources in the areas affected by the proposed source shall include all new and modified sources granted approval to construct pursuant to this paragraph; reduction in emissions from existing sources which contributed to air quality during all or part of 1974; and general commercial, residential, industrial, and other sources of emissions growth not exempted by paragraph (c) (2) (111) of this section which has occurred since January 1, 1975.

(ii) The new or modified source will meet an emission limit, to be specified by the Administrator as a condition to approval, which represents that level of emission reduction which would be achieved by the application of best available control technology, as defined in 52.01 (f), for particulate matter and sulfur dioxide. If the Administrator determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an emission standard infeasible, he may instead prescribe a design or equipment standard requiring the application of best available control technology. Such standard shall to the degree possible set forth the emission reductions achievable by implementation of such design or equipment, and shall provide for compliance by means which achieve equivalent results.

(iii) With respect to modified sources, the requirements of subparagraph (2) (ii) of this paragraph shall be applicable only to the facility or facilities from which emissions are increased.

(3) In making the determinations required by paragraph (d) (2) of this section, the Administrator shall, as a minimum, require the owner or operator of the source subject to this paragraph to submit: site information, plans, description, specifications, and drawings showing the design of the source; information necessary to determine the impact that the construction or modification will have on sulfur dioxide and particulate matter air quality levels; and any other information necessary to determine that best available control technology will be applied. Upon request of the Administrator, the owner or operator of the source shall provide information on the nature and extent of general commercial, residential, industrial, and other growth which has occurred in the area affected by the source's emissions (such area to be specified by the

Administrator) since January 1, 1975.

(4) (i) Where a new or modified source is located on Federal Lands, such source shall be subject to the procedures set forth in paragraphs (d) and (e) of this section. Such procedures shall be in addition to applicable procedures conducted by the Federal Land Manager for administration and protection of the affected Federal Lands. Where feasible, the Administrator will coordinate his review and hearings with the Federal Land Manager to avoid duplicate administrative procedures.

(ii) New or modified sources which are located on Indian Reservations shall be subject to procedures set forth in paragraphs (d) and (e) of this section. Such procedures shall be administered by the Administrator in cooperation with the Secretary of the Interior with respect to lands over which the State has not assumed jurisdiction under other laws.

(iii) Whenever any new or modified source is subject to action by a Federal Agency which might necessitate preparation of an environmental impact statement pursuant to the National Environmental Policy Act (42 U.S.C. 4321), review by the Administrator conducted pursuant to this paragraph shall be coordinated with the broad environmental reviews under that Act, to the maximum extent feasible and reasonable.

(5) Where an owner or operator has applied for permission to construct or modify pursuant to this paragraph and the proposed source would be located in an area which has been proposed for redesignation to a more stringent class (or the State, Indian Governing Body, or Federal Land Manager has announced such consideration), approval shall not be granted until the Administrator has acted on the proposed redesignation.

(e) Procedures for public participation

(1) (i) Within 20 days after receipt of an application to construct, or any addition to such application, the Administrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (e) (1) (ii) of this section shall be the date on which all required information is received by the Administrator.

(ii) Within 30 days after receipt of a complete application, the Administrator shall:

(a) Make a preliminary determination whether the source should be approved, approved with conditions, or disapproved.

(b) Make available in at least one location in each region in which the proposed source would be constructed, a copy of all materials submitted by the owner or operator, a copy of the Administrator's preliminary determination and a copy or summary of other materials, if any, considered by the Administrator in making his preliminary determination; and

(c) Notify the public, by prominent advertisement in newspaper of general circulation in each region in which the proposed source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator and the Administrator's preliminary determination on the approvability of the source.

(iii) A copy of the notice required pursuant to this subparagraph shall be sent to the applicant and to officials and agencies having cognizance over the locations where the source will be situated as follows: State and local air pollution control agencies, the chief executive of the city and county; any comprehensive regional land use planning agency; and any State, Federal Land Manager or Indian Governing Body whose lands will be significantly affected by the source's emissions.

(iv) Public comments submitted in writing within 30 days after the date such information is made available shall be considered by the Administrator in making his final decision on the application. No later than 10 days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The Administrator shall consider the applicant's response in making his final decision. All comments shall be made available for public inspection in at least one location in the region in which the source would be located.

(v) The Administrator shall take final action on an application within 30 days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial. Such notification shall be made available for public inspection in at least one location in the region in which the source would be located.

(vi) The Administrator may extend each of the time periods specified in paragraph (e) (1) (ii), (iv), or (v) of this section by no more than 30 days or such other period as agreed to by the applicant and the Administrator.

(2) Any owner or operator who constructs, modifies, or operates a stationary source not in accordance with the application, as approved and conditioned by the Administrator, or any owner or operator of a stationary source subject to this paragraph who commences construction or modification after June 1, 1975, without applying for and receiving approval hereunder, shall be subject to enforcement action under section 113 of the Act.

(3) Approval to construct or modify shall become invalid if construction or expansion is not commenced within 18 months after receipt of such approval or if construction is discontinued for a period of 18 months or more. The Administrator may extend such time period upon a satisfactory showing that an extension is justified.

(4) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with the control strategy and all local, State, and Federal regulations which are part of the applicable State Implementation Plan.

(f) Delegation of authority

(1) The Administrator shall have the authority to delegate responsibility for implementing the procedures for conducting source review pursuant to paragraphs (d) and (e), in accordance with subparagraphs (2), (3), and (4) of this paragraph.

(2) Where the Administrator delegates the responsibility for implementing the procedures for conducting source review pursuant to this section to any Agency, other than a regional office of the Environmental Protection Agency, the following provisions shall apply:

(i) Where the agency designated is not an air pollution control agency, such agency shall consult with the appropriate State and local air pollution control agency prior to making any determination required by paragraph (d) of this section. Similarly, where the agency designated does not have continuing responsibilities for managing land use, such agency shall consult with the appropriate State and local agency which is primarily responsible for managing land use prior to making any determination required by paragraph (d) of this section.

(ii) A copy of the notice pursuant to paragraph (e) (1) (ii) (c) of this section shall be sent to the Administrator through the appropriate regional office.

(3) In accordance with Executive Order 11752, the Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be delegated, other than to a regional office of the Environmental Protection Agency, for new or modified sources which are owned or operated by the Federal government or for new or modified sources located on Federal lands; except that, with respect to the latter category, where new or modified sources are constructed or operated on Federal lands pursuant to leasing or other Federal agreements, the Federal land Manager may at his discretion, to the extent permissible under applicable statutes and regulations, require the lessee or permittee to be subject to a designated State or local agency's procedures developed pursuant to paragraphs (d) and (e) of this section.

(4) The Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be redelegated, other than to a regional office of the Environmental Protection Agency, for new or modified sources which are located on Indian reservations except where the State has assumed jurisdiction over such land under other laws, in which case the Administrator may delegate his authority to the States in accordance with subparagraphs (2), (3), and (4) of this paragraph.

(39 FR 42514, Dec. 5, 1974; 40 FR 2802, Jan. 16, 1975, as amended at 40 FR 24535, June 9, 1975; 40 FR 25005, June 12, 2975; 40 FR 42012, Sept. 10, 1975)